

purpose of improving the ability of the Food and Drug Administration to assure compliance with the pesticide tolerance requirements of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.] with regard to imported food.

(b) Information activities

(1) The cooperative agreements entered into under subsection (a) of this section with governments of foreign countries shall specify the action to be taken by the parties to the agreements to accomplish the purpose described in subsection (a) of this section, including the means by which the governments of the foreign countries will provide to the Secretary of Health and Human Services current information identifying each of the pesticides used in the production, transportation, and storage of food products imported from production regions of such countries into the United States.

(2) In the case of a foreign country with which the Secretary is unable to enter into an agreement under subsection (a) of this section or for which the information provided under paragraph (1) is insufficient to assure an effective pesticide monitoring program, the Secretary shall, to the extent practicable, obtain the information described in paragraph (1) with respect to such country from other Federal or international agencies or private sources.

(3) The Secretary of Health and Human Services shall assure that appropriate offices of the Food and Drug Administration which are engaged in the monitoring of imported food for pesticide residues receive the information obtained under paragraph (1) or (2).

(4) The Secretary of Health and Human Services shall make available any information obtained under paragraph (1) or (2) to State agencies engaged in the monitoring of imported food for pesticide residues other than information obtained from private sources the disclosure of which to such agencies is restricted.

(c) Coordination with other agencies

The Secretary of Health and Human Services shall—

(1) notify in writing the Department of Agriculture, the Environmental Protection Agency, and the Department of State at the initiation of negotiations with a foreign country to develop a cooperative agreement under subsection (a) of this section; and

(2) coordinate the activities of the Department of Health and Human Services with the activities of those departments and agencies, as appropriate, during the course of such negotiations.

(d) Report

Not later than one year after August 23, 1988, the Secretary of Health and Human Services shall report to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Labor and Human Resources of the Senate and the House of Representatives on the activities undertaken by the Secretary to implement this section. The report shall be made available to appropriate Federal and State agencies and to interested persons.

(Pub. L. 100-418, title IV, §4703, Aug. 23, 1988, 102 Stat. 1413.)

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (a), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of this title. For complete classification of this Act to the Code, see section 301 of this title and Tables.

§ 1403. Pesticide analytical methods

The Secretary of Health and Human Services shall, in consultation with the Administrator of the Environmental Protection Agency—

(1) develop a detailed long-range plan and timetable for research that is necessary for the development of and validation of—

(A) new and improved analytical methods capable of detecting at one time the presence of multiple pesticide residues in food, and

(B) rapid pesticide analytical methods, and

(2) conduct a review to determine whether the use of rapid pesticide analytical methods by the Secretary would enable the Secretary to improve the cost-effectiveness of monitoring and enforcement activities under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.], including increasing the number of pesticide residues which can be detected and the number of tests for pesticide residues which can be conducted in a cost-effective manner.

The Secretary shall report the plan developed under paragraph (1), the resources necessary to carry out the research described in such paragraph, recommendations for the implementation of such research, and the result of the review conducted under paragraph (2) not later than the expiration of 240 days after August 23, 1988, to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Labor and Human Resources of the Senate and the House of Representatives.

(Pub. L. 100-418, title IV, §4704, Aug. 23, 1988, 102 Stat. 1414.)

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in text, is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of this title. For complete classification of this Act to the Code, see section 301 of this title and Tables.

CHAPTER 20—NATIONAL DRUG CONTROL PROGRAM

Sec.

- | | |
|-------|---|
| 1501. | Establishment of Office of National Drug Control Policy. <ul style="list-style-type: none"> (a) Establishment of Office. (b) Director and Deputy Directors. (c) Bureau of State and Local Affairs. (d) Access by Congress. |
| 1502. | Appointment and duties of Director, Deputy Directors, and Associate Director. <ul style="list-style-type: none"> (a) Appointment. (b) Responsibilities. (c) National Drug Control Program budget. (d) Powers of Director. (e) Personnel detailed to the Office. (f) Funds control notices. (f) Prohibition on political campaigning. |

- Sec.
1502a. Transferred.
1503. Coordination with executive branch departments and agencies.
 (a) Access to information.
 (b) Certification of policy changes by Director.
 (c) General Services Administration.
1504. Development and submission of National Drug Control Strategy.
 (a) Development and submission of National Drug Control Strategy.
 (b) Goals, objectives, and priorities.
 (c) High intensity drug trafficking areas.
 (d) Lead agencies.
1505. Counter-Drug Technology Assessment Center.
 (a) Establishment.
 (b) Chief Scientist.
 (c) Additional responsibilities of Director.
 (d) Counter-drug budget submission.
 (e) Personnel.
 (f) Assistance and support to Office of National Drug Control Policy.
1506. Termination of Office of National Drug Control Policy.
1507. Definitions.
1508. Authorization of appropriations.
1509. Establishment of Special Forfeiture Fund.
 (a) In general.
 (b) Deposits.
 (c) Super surplus.
 (d) Investment of Fund.
 (e) President's budget.
 (f) Funds provided supplemental.
 (g) Annual report.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 22 section 2291.

§ 1501. Establishment of Office of National Drug Control Policy

(a) Establishment of Office

There is established in the Executive Office of the President the "Office of National Drug Control Policy".

(b) Director and Deputy Directors

(1) There shall be at the head of the Office of National Drug Control Policy a Director of National Drug Control Policy.

(2) There shall be in the Office of National Drug Control Policy a Deputy Director for Demand Reduction and a Deputy Director for Supply Reduction.

(3) The Deputy Director for Demand Reduction and the Deputy Director for Supply Reduction shall assist the Director in carrying out the responsibilities of the Director under this Act.

(c) Bureau of State and Local Affairs

(1) There is established in the Office of National Drug Control Policy a Bureau of State and Local Affairs.

(2) There shall be at the head of such bureau an Associate Director for National Drug Control Policy.

(d) Access by Congress

The location of the Office of National Drug Control Policy in the Executive Office of the President shall not be construed as affecting access by the Congress or committees of either House to—

- (1) information, documents, and studies in the possession of, or conducted by or at the direction of the Director; or

(2) personnel of the Office of National Drug Control Policy.

(Pub. L. 100-690, title I, §1002, Nov. 18, 1988, 102 Stat. 4181.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 1997, see section 1506 of this title.

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(3), is Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, known as the Anti-Drug Abuse Act of 1988. For complete classification of this Act to the Code, see Short Title note set out under this section and Tables.

EFFECTIVE DATE

Section 1012 of Pub. L. 100-690 provided that: "This subtitle [subtitle A (§§1001-1012) of title I of Pub. L. 100-690, see Short Title note below] shall be effective January 21, 1989."

SHORT TITLE

Section 1 of Pub. L. 100-690 provided that: "This Act [see Tables for classification] may be cited as the 'Anti-Drug Abuse Act of 1988'."

Section 1001 of Pub. L. 100-690 provided that: "This subtitle [subtitle A (§§1001-1012) of title I of Pub. L. 100-690, enacting sections 1501 to 1508 of this title, amending section 1115 of this title, sections 5312, 5314, and 5315 of Title 5, Government Organization and Employees, section 1105 of Title 31, Money and Finance, and section 402 of Title 50, War and National Defense, repealing sections 1103, 1111 to 1114, 1116, and 1201 to 1204 of this title, enacting provisions set out as notes under sections 1201 and 1501 of this title, and repealing provisions set out as notes under section 1201 of this title] may be cited as the 'National Narcotics Leadership Act of 1988'."

TERMINATION OF NATIONAL DRUG ENFORCEMENT POLICY BOARD; TRANSFER OF RECORDS AND PROPERTY

Section 1007(a)(1), (2) of Pub. L. 100-690 provided that: "(1) The National Drug Enforcement Policy Board is terminated effective on the 30th day after the first Director is confirmed by the Senate. Upon such termination, all records and property of the National Drug Enforcement Policy Board shall be transferred to the Director. The Director of the Office of Management and Budget shall take such actions as are necessary to facilitate such transfer.

"(2) All strategies, implementation plans, memoranda of understanding, and directives that have been issued or made by the National Drug Policy Board before the effective date of this subtitle [Jan. 21, 1989] shall continue in effect until modified, terminated, superseded, set aside, or revoked by the President or the Director."

EXPENDITURE OF FUNDS FOR ACTIVITIES OF NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM

Section 1007(b) of Pub. L. 100-690 provided that: "Notwithstanding any other provision of law, no funds may be expended after 30 days after the date on which the first Director is confirmed by the Senate for any activities or operations of the entity otherwise known as the National Narcotics Border Interdiction System."

TERMINATION OF WHITE HOUSE OFFICE OF DRUG ABUSE POLICY

Section 1007(c)(2) of Pub. L. 100-690 provided that: "The White House Office of Drug Abuse Policy shall terminate on the 30th day after the date on which the first Director is confirmed by the Senate."

EXECUTIVE ORDER NO. 12696

Ex. Ord. No. 12696, Nov. 13, 1989, 54 F.R. 47507, as amended by Ex. Ord. No. 12756, Mar. 18, 1991, 56 F.R.

11903, which established the President's Drug Advisory Council, was revoked by Ex. Ord. No. 12869, §4(d), Sept. 30, 1993, 58 F.R. 51751, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

EX. ORD. NO. 12911. SEAL FOR OFFICE OF NATIONAL DRUG CONTROL POLICY

Ex. Ord. No. 12911, Apr. 25, 1994, 59 F.R. 21121 [22121], provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. There is approved for the Office of National Drug Control Policy in the Executive Office of the President an official seal described as follows:

On a blue disc the Arms of the United States proper above a curved gold scroll inscribed "OFFICE OF NATIONAL DRUG CONTROL POLICY" in blue letters, all within a white border edged in gold and inscribed "EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES" in blue letters.

This design is appropriate for the Office of National Drug Control Policy. The dark blue in this seal is suggested by the Seal of the President and denotes the direct organizational link of the Office of National Drug Control Policy with the Presidential office. The Arms of the United States refer to the entire Nation and represent the involvement in drug control policies that are necessary to assist the President in his role as Chief Executive of the United States.

SEC. 2. The seal shall be of the design that is attached hereto and made a part of this order.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 2850-4.

§ 1502. Appointment and duties of Director, Deputy Directors, and Associate Director

(a) Appointment

(1) The Director, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Associate Director for National Drug Control Policy shall each be appointed by the President, by and with the advice and consent of the Senate.

(2) The Director, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Associate Director for National Drug Control Policy shall each serve at the pleasure of the President. No person shall serve as Director, a Deputy Director, or Associate Director while serving in any other position in the Federal Government.

(3), (4) Omitted

(b) Responsibilities

The Director shall—

(1) establish policies, objectives, and priorities for the National Drug Control Program;

(2) annually promulgate the National Drug Control Strategy in accordance with section 1504 of this title;

(3) coordinate and oversee the implementation by National Drug Control Program agencies of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such agencies under the National Drug Control Strategy;

(4) make such recommendations to the President as the Director determines are appropriate regarding—

(A) changes in the organization, management, and budgets of Federal departments and agencies engaged in drug enforcement; and

(B) the allocation of personnel to and within such departments and agencies;

to implement the policies, priorities, and objectives established under paragraph (1) and the National Drug Control Strategy;

(5) consult with and assist State and local governments with respect to their relations with the National Drug Control Program agencies;

(6) appear before duly constituted committees and subcommittees of the House of Representatives and of the Senate to represent the drug policies of the executive branch;

(7) notify any National Drug Control Program agency if its policies are not in compliance with the responsibilities of such agency under the National Drug Control Strategy and transmit a copy of each such notification to the President; and

(8) provide, by July 1 of each year, budget recommendations to the heads of departments and agencies with responsibilities under the National Drug Control Program, which recommendations shall apply to the second following fiscal year and address funding priorities developed in the annual National Drug Control Strategy.

(c) National Drug Control Program budget

(1) The Director shall develop for each fiscal year, with the advice of the program managers of departments and agencies with responsibilities under the National Drug Control Program, a consolidated National Drug Control Program budget proposal to implement the National Drug Control Strategy, and shall transmit such budget proposal to the President and to the Congress.

(2) Each Federal Government program manager, agency head, and department head with responsibilities under the National Drug Control Strategy shall transmit the drug control budget request of the program, agency, or department to the Director at the same time as such request is submitted to their superiors (and before submission to the Office of Management and Budget) in the preparation of the budget of the President submitted to the Congress under section 1105(a) of title 31.

(3) The Director shall—

(A) review each drug control budget request transmitted to the Director under paragraph (2);

(B) certify in writing as to the adequacy of such request in whole or in part to implement the objectives of the National Drug Control Strategy for the year for which the request is submitted and, with respect to a request that is not certified as adequate to implement the objectives of the National Drug Control Strategy, include in the certification an initiative or funding level that would make the request adequate; and

(C) notify the program manager, agency head, or department head, as applicable, regarding the Director's certification under subparagraph (B).

(4) The Director shall maintain records regarding certifications under paragraph (3)(B).

(5) The Director shall request the head of a department or agency to include in the department's or agency's budget submission to the Office of Management and Budget funding requests for specific initiatives that are consistent with the President's priorities for the National Drug Control Strategy and certifications made pursuant to paragraph (3), and the head of the department or agency shall comply with such a request.

(6)(A) No National Drug Control Program agency shall submit to the Congress a reprogramming or transfer request with respect to any amount of appropriated funds greater than \$5,000,000 which is included in the National Drug Control Program budget unless such request has been approved by the Director.

(B) The head of any National Drug Control Program agency may appeal to the President any disapproval by the Director of a reprogramming or transfer request.

(7) The Director shall report to the Congress on a quarterly basis regarding the need for any reprogramming or transfer of appropriated funds for National Drug Control Program activities.

(8) The head of each National Drug Control Program agency shall ensure timely development and submission to the Director of drug control budget requests transmitted pursuant to subsection (c)(2) of this section, in such format as may be designated by the Director with the concurrence of the Director of the Office of Management and Budget.

(d) Powers of Director

In carrying out the responsibilities established under subsection (b) of this section, the Director may—

(1) select, appoint, employ, and fix compensation of up to 75 and such additional officers and employees as may be necessary to carry out the functions of the Office of National Drug Control Policy under this title;¹

(2) request the head of a department or agency or program to place department, agency, or program personnel who are engaged in drug control activities on temporary detail to another department or agency in order to implement the National Drug Control Strategy, and the head of the department or agency shall comply with such a request;

(3) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5 relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5;

(5) accept and use donations of property from Federal, State, and local government agencies;

(6) use the mails in the same manner as any other department or agency of the executive branch;

(7) monitor implementation of the National Drug Control Program, including—

(A) conducting program and performance audits and evaluations; and

(B) requesting assistance from the Inspector General of the relevant agency in such audits and evaluations;

(8) except to the extent that the Director's authority under this paragraph is limited in an annual appropriations Act, transfer funds appropriated to a National Drug Control Program agency account to a different National Drug Control Program agency account in an amount that does not exceed 2 percent of the amount appropriated to either account, upon advance approval of the Committees on Appropriations of each House of Congress; and

(9) in order to ensure compliance with the National Drug Control Program, issue to the head of a National Drug Control Program agency a funds control notice described in subsection (f)¹ of this section.

(e) Personnel detailed to the Office

(1) Notwithstanding any provision of chapter 43 of title 5, the Director shall perform the evaluation of the performance of any employee detailed to the Office of National Drug Control Policy for purposes of the applicable performance appraisal system established under such chapter for any rating period, or part thereof, that such employee is detailed to such office.

(2)(A) Notwithstanding any other provision of law, the Director may provide periodic bonus payments to any employee detailed to the Office of National Drug Control Policy.

(B) An amount paid under this paragraph to an employee for any period shall not be greater than 20 percent of the basic pay paid or payable to such employee for such period.

(C) Any payment under this paragraph to an employee shall be in addition to the basic pay of such employee.

(D) The aggregate amount paid during any fiscal year to an employee detailed to the Office of National Drug Control Policy as basic pay, awards, bonuses, and other compensation shall not exceed the annual rate payable at the end of such fiscal year for positions at level III of the Executive Schedule.

(f) Funds control notices

(1) A funds control notice may direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated by—

(A) months, fiscal year quarters, or other time periods; and

(B) activities, functions, projects, or object classes.

(2) An officer or employee of a National Drug Control Program agency shall not make or authorize an expenditure or obligation contrary to a funds control notice issued by the Director.

(3) In the case of a violation of paragraph (2) by an officer or employee of a National Drug Control Program agency, the head of the agency, upon the request of and in consultation with the Director, may subject the officer or employee to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office.

¹ See References in Text note below.

(f)² Prohibition on political campaigning

A Federal officer in the Office of National Drug Control Policy who is appointed by the President, by and with the advice and consent of the Senate, may not participate in Federal election campaign activities, except that such an official is not prohibited by this subsection from making contributions to individual candidates.

(Pub. L. 100-690, title I, §1003, Nov. 18, 1988, 102 Stat. 4182; Pub. L. 103-322, title IX, §§90201, 90202, 90207, Sept. 13, 1994, 108 Stat. 1990, 1991, 1995.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 1997, see section 1506 of this title.

REFERENCES IN TEXT

This title, referred to in subsec. (d)(1), is title I of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, which enacted this chapter, repealed sections 1103, 1111 to 1114, 1116, and 1201 to 1204 of this title, amended section 1115 of this title, sections 5312, 5314, and 5315 of Title 5, Government Organization and Employees, section 1105 of Title 31, Money and Finance, and section 402 of Title 50, War and National Defense, enacted provisions set out as notes under section 1501 of this title and section 509 of Title 28, Judiciary and Judicial Procedure, and repealed provisions set out as notes under section 1201 of this title. For complete classification of title I to the Code, see Tables.

Subsection (f) of this section, referred to in subsec. (d)(9), probably means the subsec. (f) added by section 90201(c)(2) of Pub. L. 103-322.

Level III of the Executive Schedule, referred to in subsec. (e)(2)(D), is set out in section 5314 of Title 5, Government Organization and Employees.

CODIFICATION

Section is comprised of section 1003 of Pub. L. 100-690. Subsec. (a)(3) of section 1003 amended section 402 of Title 50, War and National Defense, and subsec. (a)(4) of section 1003 amended sections 5312, 5314, and 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

1994—Subsec. (b)(8). Pub. L. 103-322, §90201(b), added par. (8).

Subsec. (c)(3)(B). Pub. L. 103-322, §90201(d), inserted “in whole or in part” after “adequacy of such request” and substituted “and, with respect to a request that is not certified as adequate to implement the objectives of the National Drug Control Strategy, include in the certification an initiative or funding level that would make the request adequate;” for the semicolon after “the request is submitted”.

Subsec. (c)(5) to (8). Pub. L. 103-322, §90201(a), added par. (5) and redesignated former pars. (5) to (7) as (6) to (8), respectively.

Subsec. (d)(1). Pub. L. 103-322, §90207, which directed the amendment of section “1008(d)(1) of the National Narcotics Leadership Act of 1988” by substituting “up to 75 and such additional” for “such”, was executed by making the substitution in subsec. (d)(1) of this section, which is section 1003 of the National Narcotics Leadership Act of 1988, to reflect the probable intent of Congress.

Subsec. (d)(2). Pub. L. 103-322, §90201(c)(1)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency, in order to implement United States drug control policy;”.

Subsec. (d)(8), (9). Pub. L. 103-322, §90201(c)(1)(B)–(D), added pars. (8) and (9).

Subsec. (f). Pub. L. 103-322, §90202, added subsec. (f) relating to prohibition on political campaigning.

Pub. L. 103-322, §90201(c)(2), added subsec. (f) relating to funds control notices.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

RESOURCES FOR CERTAIN DRUG CONTROL ACTIVITIES

Section 4803 of Pub. L. 100-690, which directed Director of National Drug Control Policy to review the drug control problem and make recommendations for additional resources for the problem, was repealed by Pub. L. 102-583, §6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

OPPOSITION TO LEGALIZATION AND PUBLIC AWARENESS

Sections 5011 and 5012 of Pub. L. 100-690 provided that:

“SEC. 5011. SENSE OF THE CONGRESS OPPOSING LEGALIZATION OF DRUGS.

“The Congress finds that legalization of illegal drugs, on the Federal or State level, is an unconscionable surrender in a war in which, for the future of our country and the lives of our children, there can be no substitute for total victory.

“SEC. 5012. PUBLIC AWARENESS CAMPAIGN.

“The Director of National Drug Control Policy shall within 90 days after confirmation by the Senate develop a program to inform the American public of the provisions of this Act [see Short Title note set out under section 1501 of this title] pertaining to penalties for the use or possession of illegal drugs.”

UNITED STATES POLICY FOR A DRUG-FREE AMERICA BY 1995

Section 5251 of Pub. L. 100-690 provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) approximately 37 million Americans used an illegal drug in the past year and more than 23 million Americans use illicit drugs at least monthly, including more than 6 million who use cocaine;

“(2) half of all high school seniors have used illegal drugs at least once, and over 25 percent use drugs at least monthly;

“(3) illicit drug use adds enormously to the national cost of health care and rehabilitation services;

“(4) illegal drug use can result in a wide spectrum of extremely serious health problems, including disruption of normal heart rhythm, small lesions of the heart, high blood pressure, leaks of blood vessels in the brain, bleeding and destruction of brain cells, permanent memory loss, infertility, impotency, immune system impairment, kidney failure, and pulmonary damage, and in the most serious instances, heart attack, stroke, and sudden death;

“(5) approximately 25 percent of all victims of AIDS acquired the disease through intravenous drug use;

“(6) over 30,000 people were admitted to emergency rooms in 1986 with drug-related health problems, including nearly 10,000 for cocaine alone;

“(7) there is a strong link between teenage suicide and use of illegal drugs;

“(8) 10 to 15 percent of all highway fatalities involve drug use;

“(9) illegal drug use is prevalent in the workplace and endangers fellow workers, national security, public safety, company morale, and production;

“(10) it is estimated that 1 of every 10 American workers have their productivity impaired by substance abuse;

² So in original. Probably should be “(g)”.

“(11) it is estimated that drug users are 3 times as likely to be involved in on-the-job accidents, are absent from work twice as often, and incur 3 times the average level of sickness costs as non-users;

“(12) the total cost to the economy of drug use is estimated to be over \$100,000,000,000 annually;

“(13) the connection between drugs and crime is also well-proven;

“(14) the use of illicit drugs affects moods and emotions, chemically alters the brain, and causes loss of control, paranoia, reduction of inhibition, and unprovoked anger;

“(15) drug-related homicides are increasing dramatically across the Nation;

“(16) 8 of 10 men arrested for serious crimes in New York City test positive for cocaine use;

“(17) illicit drug use is responsible for a substantially higher tax rate to pay for local law enforcement protection, interdiction, border control, and the cost of investigation, prosecution, confinement, and treatment;

“(18) substantial increases in funding and resources have been made available in recent years to combat the drug problem, with spending for interdiction, law enforcement, and prevention programs up by 100 to 400 percent and these programs are producing results—

“(A) seizures of cocaine are up from 1.7 tons in 1981 to 70 tons in 1987;

“(B) seizures of heroin are up from 460 pounds in 1981 to 1,400 pounds in 1987;

“(C) Drug Enforcement Administration drug convictions doubled between 1982 and 1986; and

“(D) the average sentence for Federal cocaine convictions rose by 35 percent during this same period;

“(19) despite the impressive rise in law enforcement efforts, the supply of illegal drugs has increased in recent years;

“(20) the demand for drugs creates and sustains the illegal drug trade; and

“(21) winning the drug war not only requires that we do more to limit supply, but that we focus our efforts to reduce demand.

“(b) **DECLARATION.**—It is the declared policy of the United States Government to create a Drug-Free America by 1995.”

NATIONAL COMMISSION ON MEASURED RESPONSES TO ACHIEVE A DRUG-FREE AMERICA BY 1995

Section 7604 of Pub. L. 100-690 provided for establishment of a Commission, to be chaired by the Director of the Office of National Drug Control Policy, which was to develop a proposed uniform code of State laws representing measured responses to achieve a Drug-Free America by 1995, and to submit its proposed uniform code to the Governors of the 50 States and the Mayor of the District of Columbia within 6 months after appointment of the Commission's members. It was the sense of Congress that the Governors and the Mayor convene State conferences for a Drug-Free America by 1995 to consider the proposed uniform code and make recommendations thereon.

EX. ORD. NO. 12880. NATIONAL DRUG CONTROL PROGRAM

Ex. Ord. No. 12880, Nov. 16, 1993, 58 F.R. 60989, provided:

The Office of National Drug Control Policy has the lead responsibility within the Executive Office of the President to establish policies, priorities, and objectives for the Nation's drug control program, with the goal of reducing the production, availability, and use of illegal drugs. All lawful and reasonable means must be used to ensure that the United States has a comprehensive and effective National Drug Control Strategy.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Narcotics Leadership Act of 1988, as amended (21 U.S.C. 1501 *et seq.*), and

in order to provide for the effective management of the drug abuse policies of the United States, it is hereby ordered as follows:

SECTION 1. GENERAL PROVISIONS. (a) Because the United States considers the operations of international criminal narcotics syndicates as a national security threat requiring an extraordinary and coordinated response by civilian and military agencies involved in national security, the Director of the Office of National Drug Control Policy (Director), in his role as the principal adviser to the National Security Council on national drug control policy (50 U.S.C. 402(f)), shall provide drug policy guidance and direction in the development of related national security programs.

(b) The Director shall provide oversight and direction for all international counternarcotics policy development and implementation, in coordination with other concerned Cabinet members, as appropriate.

(c) An Interagency Working Group (IWG) on international counternarcotics policy, chaired by the Department of State, shall develop and ensure coordinated implementation of an international counternarcotics policy. The IWG shall report its activities and differences of views among agencies to the Director for review, mediation, and resolution with concerned Cabinet members, and if necessary, by the President.

(d) A coordinator for drug interdiction shall be designated by the Director to ensure that assets dedicated by Federal drug program agencies for interdiction are sufficient and that their use is properly integrated and optimized. The coordinator shall ensure that interdiction efforts and priorities are consistent with overall U.S. international counternarcotics policy.

(e) The Director shall examine the number and structure of command/control and drug intelligence centers operated by drug control program agencies involved in international counter-narcotics and suggest improvements to the current structure for consideration by the President and concerned members of the Cabinet.

(f) The Director, utilizing the services of the Drugs and Crime Data Center and Department of Justice Clearinghouse, shall assist in coordinating and enhancing the dissemination of statistics and studies relating to anti-drug abuse policy.

(g) The Director shall provide advice to agencies regarding ways to achieve efficiencies in spending and improvements to interagency cooperation that could enhance the delivery of drug control treatment and prevention services to the public. The Director may request agencies to provide studies, information, and analyses in support of this order.

SEC. 2. GOALS, DIRECTION, DUTIES AND RESPONSIBILITIES WITH RESPECT TO THE NATIONAL DRUG CONTROL PROGRAM. (a) *Budget Matters.* (1) In addition to the budgetary authorities and responsibilities provided to the Director by statute, 21 U.S.C. 1502, for those agency budget requests that are not certified as adequate to implement the objectives of the National Drug Control Strategy, the Director shall include in such certifications initiatives or funding levels that would make such requests adequate.

(2) The Director shall provide, by July 1 of each year, budget recommendations to the heads of departments and agencies with responsibilities under the National Drug Control Program. The recommendations shall apply to the second following fiscal year and address funding priorities developed in the annual National Drug Control Strategy.

(b) *Measurement of National Drug Control Strategy Outcomes.* (1) The National Drug Control Strategy shall include long-range goals for reducing drug use and the consequences of drug use in the United States, including burdens on hospital emergency rooms, drug use among arrestees, the extent of drug-related crime, high school dropout rates, the number of infants exposed annually to illicit drugs in utero, national drug abuse treatment capacity, and the annual national health care costs of drug use.

(2) The National Drug Control Strategy shall also include an assessment of the quality of techniques and

instruments to measure current drug use and supply and demand reduction activities, and the adequacy of the coverage of existing national drug use instruments and techniques to measure the total illicit drug user population and groups at-risk for drug use.

(3) The Director shall coordinate an effort among the relevant drug control program agencies to assess the quality, access, management, effectiveness, and standards of accountability of drug abuse treatment, prevention, education, and other demand reduction activities.

(c) *Provision of Reports.* To the extent permitted by law, heads of departments and agencies with responsibilities under the National Drug Control Program shall make available to the Office of National Drug Control Policy, appropriate statistics, studies, and reports, pertaining to Federal drug abuse control.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1504, 1505 of this title.

§ 1502a. Transferred

CODIFICATION

Section, Pub. L. 100-690, title I, § 1003A, as added Pub. L. 101-510, div. A, title X, § 1011, Nov. 5, 1990, 104 Stat. 1633 and amended, which related to the Counter-Drug Technology Assessment Center, was renumbered section 1008 of Pub. L. 100-690 by Pub. L. 103-322, title IX, § 90204(c)(2), (3), Sept. 13, 1994, 108 Stat. 1994, and is classified to section 1505 of this title.

§ 1503. Coordination with executive branch departments and agencies

(a) Access to information

(1) Upon request of the Director, and subject to laws governing disclosure of information, the head of each National Drug Control Program agency shall provide to the Director such information as may be required for drug control.

(2)(A) The authorities conferred on the Office of National Drug Control Policy and its Director by this Act shall be exercised in a manner consistent with provisions of the National Security Act of 1947. The Director of Central Intelligence shall prescribe such regulations as may be necessary to protect information provided pursuant to this Act regarding intelligence sources and methods.

(B) The Director of Central Intelligence shall, to the fullest extent possible in accordance with subparagraph (A), render full assistance and support to the Office of National Drug Control Policy and its Director.

(b) Certification of policy changes by Director

(1) The head of a National Drug Control Program agency shall, unless exigent circumstances require otherwise, notify the Director in writing regarding any proposed change in policies relating to the activities of such department or agency under the National Drug Control Program prior to implementation of such change. The Director shall promptly review such proposed change and certify to the department or agency head in writing whether such change is consistent with the National Drug Control Strategy.

(2) If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Director as soon as practicable. The Director shall review such change and certify to the department or agency head in writing whether such change is consistent with the National Drug Control Program.

(c) General Services Administration

The Administrator of General Services shall provide to the Director on a reimbursable basis such administrative support services as the Director may request.

(Pub. L. 100-690, title I, § 1004, Nov. 18, 1988, 102 Stat. 4184.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 1997, see section 1506 of this title.

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(2)(A), is Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, known as the Anti-Drug Abuse Act of 1988. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

The National Security Act of 1947, referred to in subsec. (a)(2)(A), is act July 26, 1947, ch. 343, 61 Stat. 495, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 50, War and National Defense, and Tables.

§ 1504. Development and submission of National Drug Control Strategy

(a) Development and submission of National Drug Control Strategy

(1) Not later than 180 days after the first Director is confirmed by the Senate, and not later than February 1 of each year thereafter, the President shall submit to the Congress a National Drug Control Strategy. Any part of such strategy that involves information properly classified under criteria established by an Executive order shall be presented to the Congress separately.

(2) The National Drug Control Strategy submitted under paragraph (1) shall—

(A) include comprehensive, research-based, long-range goals for reducing drug abuse and the consequences of drug abuse in the United States;

(B) include short-term measurable objectives which the Director determines may be realistically achieved in the 2-year period beginning on the date of the submission of the strategy;

(C) describe the balance between resources devoted to supply reduction and demand reduction; and

(D) review State and local drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.

(3)(A) In developing the National Drug Control Strategy, the Director shall consult with—

(i) the heads of the National Drug Control Program agencies;

(ii) the Congress;

(iii) State and local officials;

(iv) private citizens with experience and expertise in demand reduction; and

(v) private citizens with experience and expertise in supply reduction.

(B) At the time the President submits the National Drug Control Strategy to the Congress, the Director shall transmit a report to the Congress indicating the persons consulted under this paragraph.

(4) The Director shall include with each National Drug Control Strategy an evaluation of the effectiveness of Federal drug control during the preceding year. The evaluation shall include an assessment of Federal drug control efforts, including—

(A) assessment of the reduction of drug use, including estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of—

(i) high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, and probationers, and juvenile delinquents; and

(ii) drug use in the workplace and the productivity lost by such use;

(B) assessment of the reduction of drug availability, as measured by—

(i) the quantities of cocaine, heroin, and marijuana available for consumption in the United States;

(ii) the amount of cocaine and heroin entering the United States;

(iii) the number of hectares of poppy and coca cultivated and destroyed;

(iv) the number of metric tons of heroin and cocaine seized;

(v) the number of cocaine processing labs destroyed;

(vi) changes in the price and purity of heroin and cocaine;

(vii) the amount and type of controlled substances diverted from legitimate retail and wholesale sources; and

(viii) the effectiveness of Federal technology programs at improving drug detection capabilities at United States ports of entry;

(C) assessment of the reduction of the consequences of drug use and availability, which shall include estimation of—

(i) burdens drug users placed on hospital emergency rooms in the United States, such as the quantity of drug-related services provided;

(ii) the annual national health care costs of drug use, including costs associated with people becoming infected with the human immunodeficiency virus and other communicable diseases as a result of drug use;

(iii) the extent of drug-related crime and criminal activity; and

(iv) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States; and

(D) determination of the status of drug treatment in the United States, by assessing—

(i) public and private treatment capacity within each State, including information on the number of treatment slots available in relation to the number actually used, including data on intravenous drug users and pregnant women;

(ii) the extent, within each State, to which treatment is available, on demand, to intravenous drug users and pregnant women;

(iii) the number of drug users the Director estimates could benefit from treatment; and

(iv) the success of drug treatment programs, including an assessment of the effective-

ness of the mechanisms in place federally, and within each State, to determine the relative quality of substance abuse treatment programs, the qualifications of treatment personnel, and the mechanism by which patients are admitted to the most appropriate and cost effective treatment setting.

(5) The Director shall include with the National Drug Control Strategy required to be submitted not later than February 1, 1995, and with every second such strategy submitted thereafter—

(A) an assessment of the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

(B) an assessment of the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the casual drug user population and groups at-risk for drug use;

(C) an assessment of the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B); and

(D) identification of the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals.

(6) Federal agencies responsible for the collection or estimation of drug-related information required by the Director shall cooperate with the Director, to the fullest extent possible, to enable the Director to satisfy the requirements of sections 4 and 5.¹

(7) With each National Drug Control Strategy, the Director shall report to the President and the Congress on the Director's assessment of drug use and availability in the United States, including an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect in the preceding year in reducing drug use and availability.

(b) Goals, objectives, and priorities

Each National Drug Control Strategy shall include—

(1) a complete list of goals, objectives, and priorities for supply reduction and for demand reduction;

(2) private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control;

(3) 3-year projections for program and budget priorities and achievable projections for reductions of drug availability and usage;

(4) a complete assessment of how the budget proposal transmitted under section 1502(c) of this title is intended to implement the strategy and whether the funding levels contained in such proposal are sufficient to implement such strategy;

(5) designation of areas of the United States as high intensity drug trafficking areas in ac-

¹ So in original. Probably should be "paragraphs (4) and (5)."

cordance with subsection (c) of this section; and

(6) a plan for improving the compatibility of automated information and communication systems to provide Federal agencies with timely and accurate information for purposes of this subtitle.

(c) High intensity drug trafficking areas

(1) The Director, upon consultation with the Attorney General, heads of National Drug Control Program agencies, and the Governors of the several States, may designate any specified area of the United States as a high intensity drug trafficking area. After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

(A) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the Secretary of the department or head of the agency which employs such personnel;

(B) take any other action authorized under section 1502 of this title to provide increased Federal assistance to such areas; and

(C) coordinate actions under this paragraph with State and local officials.

(2) When considering the designation of an area under this subsection as a high intensity drug trafficking area, the Director shall consider, along with other criteria the Director may deem appropriate—

(A) the extent to which the area is a center of illegal drug production, manufacturing, importation, or distribution;

(B) the extent to which State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

(C) the extent to which drug-related activities in the area are having a harmful impact in other areas of the country; and

(D) the extent to which a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

(3) Before March 1, 1991, the Director shall submit a report to the House of Representatives and to the Senate concerning the effectiveness of and need for the designation of areas under this subsection as high intensity drug trafficking areas, along with any comments or recommendations for legislation.

(d) Lead agencies

(1) The President shall designate lead agencies with areas of principal responsibility for carrying out the National Drug Control Strategy.

(2) The Director shall require that any National Drug Control Program agency that conducts a major supply reduction activity which is in the area of principal responsibility of a lead agency designated under paragraph (1) shall—

(A) notify such lead agency in writing of the activity; and

(B) provide such notification prior to conducting such activity, unless exigent circumstances require otherwise.

(3) If a lead agency objects to the conduct of an activity described under paragraph (2), the

lead agency and the agency planning to conduct such activity shall notify the Director in writing regarding such objection.

(Pub. L. 100-690, title I, § 1005, Nov. 18, 1988, 102 Stat. 4185; Pub. L. 103-322, title IX, § 90203, Sept. 13, 1994, 108 Stat. 1991.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 1997, see section 1506 of this title.

REFERENCES IN TEXT

This subtitle, referred to in subsec. (b)(6), is subtitle A of title I of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, known as the National Narcotics Leadership Act of 1988, which is classified principally to this chapter (§ 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

AMENDMENTS

1994—Subsec. (a)(2)(A). Pub. L. 103-322, § 90203(1), inserted “and the consequences of drug abuse” after “drug abuse”.

Subsec. (a)(4) to (7). Pub. L. 103-322, § 90203(2), amended par. (4) generally and added pars. (5) to (7). Prior to amendment, par. (4) read as follows: “Beginning with the second submission of a National Drug Control Strategy, the Director shall include with each such strategy a complete evaluation of the effectiveness of drug control during the preceding year.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1502, 1507 of this title; title 42 sections 2850-4, 11903, 11904.

§ 1505. Counter-Drug Technology Assessment Center

(a) Establishment

There is established within the Office of National Drug Control Policy, the Counter-Drug Technology Assessment Center (hereinafter in this section referred to as the “Center”). The Center shall operate under the authority of the Director of National Drug Control Policy and shall serve as the central counter-drug enforcement research and development organization of the United States Government.

(b) Chief Scientist

There shall be at the head of the Center the Chief Scientist of Counter-Drug Technology (hereinafter in this section referred to as the “Chief Scientist”). The Chief Scientist shall be appointed by the Director of National Drug Control Policy from among individuals qualified and distinguished in the area of science, engineering, or technology.

(c) Additional responsibilities of Director

(1) The Director, acting through the Chief Scientist, shall—

(A) identify and define the short, medium, and long-term scientific and technological needs of Federal, State, and local drug enforcement agencies, including—

(i) advanced surveillance, tracking, and radar imaging;

(ii) electronic support measures;

(iii) communications;

(iv) data fusion, advanced computer systems and artificial intelligence; and

(v) chemical, biological, radiological (including neutron, electron, and graviton) and other means of detection;

(B) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examine addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

(C) make a priority ranking of such needs according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Strategy;

(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments; and

(E) under the general authority of the Director of National Drug Control Policy, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug enforcement research and development.

(2) The authority granted to the Director under this section shall not extend to the award of contracts, management of individual projects, or other operational activities.

(d) Counter-drug budget submission

Beginning with the budget submitted to Congress for fiscal year 1992 pursuant to section 1105 of title 31, the President shall submit a separate and detailed request relating to those Federal departments and agencies having responsibility for counter-drug enforcement research and development programs.

(e) Personnel

Subject to subsections (d) and (e) of section 1502 of this title, the Chief Scientist shall select and appoint a staff of not more than 10 employees with specialized experience in scientific, engineering, and technical affairs.

(f) Assistance and support to Office of National Drug Control Policy

The Director of the Advanced Research Project Agency shall, to the fullest extent possible, render assistance and support to the Office of National Drug Control Policy and its Director.

(Pub. L. 100-690, title I, §1008, formerly §1003A, as added Pub. L. 101-510, div. A, title X, §1011, Nov. 5, 1990, 104 Stat. 1633; renumbered §1008 and amended Pub. L. 103-322, title IX, §90204(a), (b), (c)(2), (3), Sept. 13, 1994, 108 Stat. 1993, 1994.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 1997, see section 1506 of this title.

CODIFICATION

Section was formerly classified to section 1502a of this title prior to renumbering by Pub. L. 103-322.

PRIOR PROVISIONS

A prior section 1505, Pub. L. 100-690, title I, §1008, Nov. 18, 1988, 102 Stat. 4188, provided for an executive reorganization study and report to Congress and the President no later than Jan. 15, 1990, prior to repeal by Pub. L. 103-322, §90204(c)(1).

AMENDMENTS

1994—Subsec. (c)(1)(B) to (E). Pub. L. 103-322, §90204(a), added subpar. (B) and redesignated former subpars. (B) to (D) as (C) to (E), respectively.

Subsec. (f). Pub. L. 103-322, §90204(b), added subsec. (f).

§ 1506. Termination of Office of National Drug Control Policy

This subtitle and the amendments made by this subtitle, other than section 1007, are repealed on September 30, 1997.

(Pub. L. 100-690, title I, §1009, Nov. 18, 1988, 102 Stat. 4188; Pub. L. 103-322, title IX, §90208(a), Sept. 13, 1994, 108 Stat. 1995.)

REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle A of title I of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, known as the National Narcotics Leadership Act of 1988, which is classified principally to this chapter (§1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

Section 1007, referred to in text, is section 1007 of Pub. L. 100-690, title I, Nov. 18, 1988, 102 Stat. 4187, which amended section 1115 of this title and sections 5314 and 5315 of Title 5, Government Organization and Employees, repealed sections 1103, 1111 to 1114, 1116, and 1201 to 1204 of this title, enacted provisions set out as notes under section 1501 of this title, and repealed provisions set out as notes under section 1201 of this title.

AMENDMENTS

1994—Pub. L. 103-322 substituted “September 30, 1997” for “the date which is 5 years after November 18, 1988”.

CONTINUED EFFECTIVENESS OF NATIONAL NARCOTICS LEADERSHIP ACT OF 1988

Section 90208(b) of Pub. L. 103-322 provided that: “The National Narcotics Leadership Act of 1988 (21 U.S.C. 1501 et seq.) [see Short Title note set out under section 1501 of this title] shall be considered not to have been repealed by operation of section 1009 of that Act [this section], but shall remain in effect as if the amendment made by subsection (a) [amending this section] had been included in that Act on the date of its enactment [Nov. 18, 1988].”

§ 1507. Definitions

As used in this subtitle—

(1) the term “drug” has the same meaning as the term “controlled substance” has in section 802(6) of this title;

(2) the term “drug control” means any activity conducted by a National Drug Control Program agency involving supply reduction or demand reduction;

(3) the term “supply reduction” means any enforcement activity of a program conducted by a National Drug Control Program agency that is intended to reduce the supply or use of drugs in the United States and abroad, including—

(A) international drug control;

(B) foreign and domestic drug enforcement intelligence;

(C) interdiction; and

(D) domestic drug law enforcement, including law enforcement directed at drug users;

(4) the term “demand reduction” means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the demand for drugs, including—

(A) drug abuse education;

- (B) prevention;
- (C) treatment;
- (D) research; and
- (E) rehabilitation;

(5) the term “National Drug Control Program” means programs, policies, and activities undertaken by National Drug Control Program agencies pursuant to the responsibilities of such agencies under the National Drug Control Strategy;

(6) the term “National Drug Control Program agency” means any department or agency and all dedicated units thereof, with responsibilities under the National Drug Control Strategy, as designated—

- (A) jointly by the Director and the head of the department or agency; or
- (B) by the President;

(7) the term “Director” means the Director of National Drug Control Policy; and

(8) the term “National Drug Control Strategy” means a strategy developed and submitted to the Congress under section 1504 of this title.

(Pub. L. 100-690, title I, §1010, Nov. 18, 1988, 102 Stat. 4188.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 1997, see section 1506 of this title.

REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle A of title I of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, known as the National Narcotics Leadership Act of 1988, which is classified principally to this chapter (§1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

§ 1508. Authorization of appropriations

For the purposes of carrying out this subtitle, there are authorized to be appropriated \$3,500,000 for fiscal year 1989 and such sums as may be necessary for each of the 8 succeeding fiscal years, to remain available until expended.

(Pub. L. 100-690, title I, §1011, Nov. 18, 1988, 102 Stat. 4189; Pub. L. 103-322, title IX, §90206, Sept. 13, 1994, 108 Stat. 1995.)

REPEAL OF SECTION

For repeal of section on Sept. 30, 1997, see section 1506 of this title.

REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle A of title I of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, known as the National Narcotics Leadership Act of 1988, which is classified principally to this chapter (§1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

AMENDMENTS

1994—Pub. L. 103-322 substituted “8 succeeding fiscal years” for “4 succeeding fiscal years”.

APPROPRIATIONS

Provisions appropriating funds for fiscal year 1994 for necessary expenses of Office of National Drug Control Policy and requiring the Office to hire and maintain

not less than 40 full-time equivalent positions were contained in the Executive Office Appropriations Act, 1994, Pub. L. 103-123, title III, Oct. 28, 1993, 107 Stat. 1235, 1237.

§ 1509. Establishment of Special Forfeiture Fund

(a) In general

There is established in the Treasury of the United States the Special Forfeiture Fund (hereafter referred to in this section as the “Fund”) which shall be available to the Director of the National Drug Control Policy without fiscal year limitation in such amounts as may be specified in appropriations Acts.

(b) Deposits

There shall be deposited into the Fund the amounts specified by section 524(c)(9) of title 28 and section 9307(g)¹ of title 31 and any earnings on the investments authorized by subsection (d) of this section.

(c) Super surplus

(1) Any unobligated balance up to \$20,000,000 remaining in the Fund on September 30 of a fiscal year shall be available to the Director, subject to paragraph (2), to transfer to, and for obligation and expenditure in connection with drug control activities of, any Federal agency or State or local entity with responsibilities under the National Drug Control Strategy.

(2) A transfer may be made under paragraph (1) only with the advance written approval of the Committees on Appropriations of each House of Congress.

(d) Investment of Fund

Amounts in the Fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

(e) President's budget

The President shall, in consultation with the Director for National Drug Control Policy, include, as part of the budget submitted to the Congress under section 1105(a) of title 31, a separate and detailed request for the use of the amounts in the Fund. This request shall reflect the priorities of the National Drug Control strategy.²

(f) Funds provided supplemental

Funds disbursed under this subsection³ shall not be used to supplant existing funds, but shall be used to supplement the amount of funds that would be otherwise available.

(g) Annual report

No later than 4 months after the end of each fiscal year, the President shall submit to both Houses of Congress a detailed report on the amounts deposited in the Fund and a description of expenditures made under this subsection.³

(Pub. L. 100-690, title VI, §6073, Nov. 18, 1988, 102 Stat. 4323; Pub. L. 101-647, title XX, §2001(b),

¹ See References in Text note below.

² So in original. Probably should be capitalized.

³ So in original. Probably should be “section”.

Nov. 29, 1990, 104 Stat. 4854; Pub. L. 102-393, title VI, § 638(c), Oct. 6, 1992, 106 Stat. 1788; Pub. L. 103-322, title IX, § 90205(a), (d), Sept. 13, 1994, 108 Stat. 1994, 1995.)

REFERENCES IN TEXT

Section 9307(g) of title 31, referred to in subsec. (b), probably should be a reference to section 9703(g) of title 31, and probably means the section 9703 of title 31 added by section 638(b)(1) of Pub. L. 102-393.

CODIFICATION

Section was enacted as part of the Anti-Drug Abuse Act of 1988 and as part of the Asset Forfeiture Amendments Act of 1988, and not as part of the National Narcotics Leadership Act of 1988 which comprises this chapter.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322, § 90205(a), which directed that this section be amended to read as follows, was executed by amending subsec. (b) of this section generally, to reflect the probable intent of Congress. Prior to amendment, subsec. (b) read as follows: “There may be transferred to and deposited into the Special Forfeiture Fund, amounts from—

“(1) the Department of Justice Assets Forfeiture Fund pursuant to section 524(c)(9) of title 28; and

“(2) the Department of the Treasury Forfeiture Fund pursuant to section 9703(g)(3)(A) of title 31.”

Subsecs. (c) to (g). Pub. L. 103-322, § 90205(d), added subsec. (c) and redesignated former subsecs. (c) to (f) as (d) to (g), respectively.

1992—Subsec. (b). Pub. L. 102-393 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Deposits in the Fund shall be made by transfer from the Department of Justice Assets Forfeiture Fund in the manner provided in section 524(c)(9) of title 28.”

1990—Subsec. (b). Pub. L. 101-647 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Beginning in fiscal year 1990, there shall be deposited in the Fund not to exceed \$150,000,000 in unobligated amounts remaining at the end of each fiscal year from the Department of Justice Assets Forfeiture Fund (28 U.S.C. 524(c)) except that amounts specified in section 524(c)(9) of title 28 may be carried forward and remain available for appropriation in the next fiscal year.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 28 section 524; title 31 section 9703.